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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,752	09/13/1999	MARI HORIGUCHI	450100-02087	4823
20999	7590	03/26/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			TRAN, THAI Q	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/394,752

Applicant(s)

HORIGUCHI ET AL.

Examiner

Thai Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7-9, 11-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 2-6 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 7-9, 11-16, and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 12-14, and 18-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13-15 and 17-18 of U.S. Patent No. 6,513,064 in view of Horlander (WO 98/17033).

Regarding claim 1 of this application, claims 13 and 15 of U.S. Patent 6,513,064 recite an information processing apparatus connected to an external information processing apparatus via a network and including at least one sub-unit for executing a predetermined function, said information processing apparatus comprising:

storing means for storing reservation information concerning a reservation of the sub-unit;

supply means for reading out the reservation information stored in said storage means and supplying the reservation information to said external information processing apparatus in response to a request from said external information processing apparatus;

addition means for adding identification information to the reservation information of the sub-unit to be stored in said storage means, said identification information including a value unique to said information processing apparatus that has reserved the sub-unit and a value unique to the reservation of the sub-unit set by said information processing apparatus;

input means for inputting reservation information concerning the reservation of the sub-unit;

search means for searching for the identification information corresponding to the reservation information stored in said storage means; and

setting means for setting a value which is not stored in said storage means as a value unique to the reservation information newly input by said input means and set by said information processing apparatus in accordance with a search result obtained by said search means. However, claims 13 and 15 of U.S. Patent 6,513,064 do not recite that the information processing apparatus having unique identification information connected to a network with one or more of other information processing apparatuses each connected to said network and each having unique identification information and

communication means for communicating with said other information processing apparatus connected to said network by sending and/or receiving packets on said network.

Horlander teaches that electronic devices such as television receivers, display devices, video-cassette recorders, direct broadcast satellite receivers, compact disc, and digital video disc are connected by IEEE 1394 High Performance Serial Bus (page 5, lines 1-25), have unique identification information (page 13, lines 7-9), and have communication means for communicating with said other information processing apparatus connected to said network by sending and/or receiving packets on said network (page 10, lines 19-29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the IEEE 1394 High Performance Serial Bus as taught by Horlander into claims 13 and 15 of U.S. Patent No. 6,513,064 in order to increase the transmission speed of the data between devices because IEEE 1394 has higher transmission speed.

Regarding claim 12 of this application, claim 13 of U.S. Patent 6,513,064 recites the claimed wherein said storage means further stores identification information for identifying the stored reservation information (addition means for adding identification information to the reservation information of the sub-unit to be stored in said storage means, said identification information including a value unique to said information processing apparatus that has reserved the sub-unit and a value unique to the reservation of the sub-unit set by said information processing apparatus).

Regarding claim 13 of this application, claim 13 of U.S. Patent 6,513,064 recites the claimed wherein the identification information includes a value unique to the information processing apparatus that has made a reservation and a value unique to the reservation set in said information processing apparatus (addition means for adding identification information to the reservation information of the sub-unit to be stored in said storage means, said identification information including a value unique to said information processing apparatus that has reserved the sub-unit and a value unique to the reservation of the sub-unit set by said information processing apparatus).

Regarding claim 14 of this application, claim 14 of U.S. Patent 6,513,064 recites wherein the value unique to the information processing apparatus is a global unique ID and the value unique to the reservation is a record ID.

Regarding claim 18 of this application, Horlander also discloses the claimed wherein said network is formed by using an IEEE 1394 serial data bus (page 5, lines 16-25).

Regarding claim 19 of this application, claim 17 of US Patent No. 6,513,064 B1 recites an information processing method for use in an information processing apparatus connected to an external information processing apparatus via a network and including at least one sub-unit for executing a predetermined function, said information processing method comprising:

a storage control step of controlling storage of reservation information concerning a reservation of the sub-unit;

a supply step of reading out the reservation information stored by processing of said storage control step and of supplying the reservation information to said external information processing apparatus in response to a request from said external information processing apparatus; and

an addition step of adding identification information to the reservation information of the sub-unit to be stored by processing of said storage control step, said identification information including a value unique to said information processing apparatus that has reserved the sub-unit and a value unique to the reservation of the sub-unit set by said information processing apparatus. However, claim 17 of U.S. Patent 6,513,064 does not recite an input step of inputting reservation information concerning a reservation of said predetermined function, that the information processing apparatus having unique identification information connected to a network with one or more of other information processing apparatuses each connected to said network and each having unique identification information, and a communication step of communicating with said other information processing apparatus connected to said network by sending and/or receiving packets on said network.

Claim 15 of US Patent 6,513,064 recites input means for inputting reservation information concerning the reservation of the sub-unit.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the input means of 15 of US Patent 6,513,064 into 17 of US Patent 6,513,064 in order to allow user to enter the reservation data as desired.

Additionally, Horlander teaches that electronic devices such as television receivers, display devices, video-cassette recorders, direct broadcast satellite receivers, compact disc, and digital video disc are connected by IEEE 1394 High Performance Serial Bus (page 5, lines 1-25), have unique identification information (page 13, lines 7-9), and have communication means for communicating with said other information processing apparatus connected to said network by sending and/or receiving packets on said network (page 10, lines 19-29).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the IEEE 1394 High Performance Serial Bus as taught by Horlander into claim 17 of U.S. Patent No. 6,513,064 in order to increase the transmission speed of the data between devices because IEEE 1394 has higher transmission speed.

Claim 20 of this application is rejected over claims 18 and 15 of US Patent 6,513,064 and Horlander for the same reasons as discussed in claim 19 of this application above.

4. Claims 7-9, 11, and 15-16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13 and 15 of U.S. Patent No. 6,513,064 B1 in view of Horlander and further in view of Tanimura et al (US 6,594,440 B1).

Regarding claim 7 of this application, the combination of claims 13 and 15 of U.S. Patent No. 6,513,064 B1 and Horlander as discussed in claim 1 above discloses all the



claimed limitations except for providing the claimed wherein said storage means stores the reservation information at a predetermined address position.

Tanimura et al teaches a timer setting changing device having reservation data store section for storing reservation information at a predetermined address position for performing unattended video program (col. 2, line 62 to col. 3, line 17).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the timer reservation device as taught by Tanimura et al into the combination of claims 13 and 15 of U.S. Patent No. 6,513,064 B1 and Horlander in order to allow user to performing unattended recording.

Regarding claim 8 of this application, Tanimura et al also discloses the claimed wherein the reservation information includes a start time and a period for using (col. 6, lines 12-25).

Regarding claim 9 of this application, Tanimura et al discloses the claimed wherein the period for using is set as an undefined value (col. 6, lines 12-25).

Regarding claim 11 of this application, the combination of claims 13 and 15 of U.S. Patent No. 6,513,064 B1, Horlander, and Tanimura et al does not specifically disclose the claimed wherein the sub-unit start time is represented by a binary-coded decimal.

The capability of processing/transmitting data in the form of binary-coded decimal is old and well known in the art and; therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known binary-coded decimal into the combination of

claims 13 and 15 of U.S. Patent No. 6,513,064 B1, Horlander, and Tanimura et al since it merely amounts to selecting commercial available data format.

Regarding claim 15 of this application, Tanimura et al further discloses the claimed wherein the reservation information includes weekly reservation information that is weekly reserved by specifying a day of the week (col. 6, lines 12-25).

Regarding claim 16 of this application, Tanimura et al also discloses the claimed wherein the reservation information includes interval reservation information that is repeatedly reserved at a predetermined interval (col. 6, lines 12-25).

***Allowable Subject Matter***

5. Claims 2-6 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

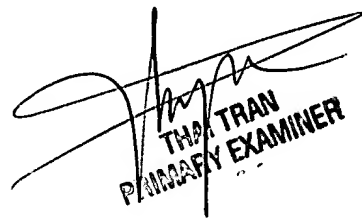
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725.

The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ

  
THAI TRAN  
PRIMARY EXAMINER